

Council Public Hearing
Lincoln Heritage Library Capital Projects
May 20, 2008 – 5:03 pm

The hearing was called to order by President Spaetti, Councilmen Spaetti, Ebert, Kroeger, Winsett, Kress, Cochenour, and Attorney Wetherill were present. Councilman Bunner was absent.

Ken Sands, board member for the Lincoln Heritage Library, explained the Library Capital Projects Plan adopted by the Lincoln Heritage Library Board. The funds will be used to build a library in the Town of Chrisney. Discussion was had on the plans for the new library and the new librarian, Sue Stultz, was introduced. No one was present to speak against the capital projects plan.

Ebert made a motion to approve the Lincoln Heritage Library Capital Projects Plan. Kress seconded. All in favor.

Cochenour made a motion to adjourn. Winsett seconded. All in favor. The hearing was adjourned at 5:16 pm.

County Council,

_____ President	_____
_____	_____
_____	_____
Attest:	_____
_____	_____
Cindy Shelton, Auditor	_____

Council Meeting
May 20, 2008 – 5:16 pm

The meeting was called to order by President Spaetti, Councilmen Spaetti, Ebert, Kroeger, Winsett, Kress, Cochenour, and Attorney Wetherill were present. Councilman Bunner was absent.

Minutes

04/15/2008 minutes; 05/08/2008 minutes. Kroeger made a motion to approve the minutes. Cochenour seconded. All in favor. Winsett abstained since he was not at the meeting.

Department of Child Services

Connie Branch, Supervisor for the Department of Child Services (DCS), discussed her cash shortfalls for the year. The DCS is currently behind in claims totaling \$234,200.49. Branch explained that the money is budgeted for the bills but they do not have the cash to support the budget. Branch further stated that she may need to come back later to ask for a budget additional, but right now the concern is the shortfall in the cash available.

Branch requested a loan from the county to cover expenses. Wetherill and Shelton will look into the procedure which needs to be followed to loan funds.

Additional Appropriations

County General:

Surveyor/Fuel – Surveyor Sublett submitted a request for \$2,000 for fuel.

Surveyor/Schooling – Sublett submitted a request for \$100 for schooling. Sublett was not present at the meeting. Ebert made a motion to table both requests. Winsett seconded. All in favor.

Jail/Dispatch Overtime – Sheriff Lindsey requested \$5,000 to be used for overtime because he has lost two dispatchers. He said he could lower the request to \$2,500 and transfer from the salary account later if needed. Ebert made a motion to approve \$2,500. Cochenour seconded. All in favor.

Jail/Jailer Overtime – Sheriff Lindsey requested \$10,000 for jailer overtime which is needed because of the increase in inmates. Cochenour made a motion to approve the \$10,000. Kress seconded. All in favor.

Commissioner/Inmate Housing – Auditor Shelton explained that the inmate housing budgeted amount has been used plus most of the prior additional, and \$10,000 is requested. Kroeger made a motion to approve \$10,000. Kress seconded. All in favor.

Pre-Trial Diversion:

Prosecutor/Equipment – Shelton stated that Prosecutor Dartt’s office called and asked for the additional request to be tabled because he would not be able to attend the meeting. Cochenour made a motion to table the request. Ebert seconded. All in favor.

Health Department:

Unemployment – Donna Etienne of the Health Department explained that the additional of \$4,300 is needed to repay the county for unemployment paid for an employee of the Health Department whose position was eliminated. Kroeger made a motion to approve the additional. Ebert seconded. All in favor.

Council Meeting 05/20/2008 cont.

Highway Department:

Contractual Services – Assistant Highway Superintendent Wirthwein explained that environmental testing, which is required by IDEM, is still being done on the underground tanks. Kress made a motion to approve the request for \$50,000. Winsett seconded. All in favor.

Prisoner Reimbursement:

Prisoner Reimbursement – Shelton explained that the funds which are reimbursed from prisoners are put into this account and must be approved before they can be spent. Ebert made a motion to approve the \$15,000. Cochenour seconded. All in favor.

Transfers

Jail – Sheriff Lindsey asked for approval to transfer \$2,500 from Senior Dispatcher to Overtime to help cover overtime costs. Ebert made a motion to approve the transfer. Winsett seconded. All in favor.

Jail – Sheriff Lindsey also asked for approval to transfer \$37,630 from Senior Dispatcher to Dispatcher because he lost a senior dispatcher and will be hiring someone new. Kroeger made a motion to approve the transfer. Cochenour seconded. All in favor.

EMA – EMA Director Perdue asked for approval to transfer \$689.58 from Pagers to Repair of Equipment. Ebert made a motion to approve the transfer. Kress seconded. All in favor.

Community Corrections Field Officer

Sheriff Lindsey discussed that one of his senior deputies is now the Community Corrections Field Officer. Since her salary is now being paid for out of the Community Corrections grant, Lindsey would like to hire a new deputy to replace her. Discussion was had on the use of her vehicle, if a new vehicle would need to be purchased, and how it would be paid for. Kroeger also asked if fuel for the use of the vehicle was budgeted for in Community Corrections. Lindsey will discuss the issues with the Community Corrections Director and report back to the council.

Public Safety Building / FEMA Grant

Perdue read the following announcement regarding the FEMA Grant which Spencer County applied for to build a Public Safety Building:

Spencer County is in the final stages of qualifying for Indiana's first-ever Pre-Disaster Mitigation project grant.

The grant program is funded by the Federal Emergency Management Agency (FEMA) and will provide the county with more than \$2.5 million for an emergency operations center (EOC) and shelter. If the FEMA grant is awarded and accepted, Spencer County's 25 percent local match would be \$839,330.00. County officials will be reviewing the cost of ineligible items, such as more office space, to determine the feasibility and savings by including them in a single construction project.

The facility will allow shelter during major disasters, will offer a centralized location for emergency response equipment, provide a protected location for the EOC and 911 dispatch center and provide a central location for meetings and trainings. It can also function as a district operations center in case of a major disaster.

Spencer County began this process in December of 2004 with the award of a planning grant. Pending further review by federal, state, and local officials, construction could begin in 2009.

This program provides funds to states, territories, Indian tribal governments, communities, and universities for hazard mitigation planning and the implementation of mitigation projects prior to a disaster event.

Funding these plans and projects reduces overall risks to the population and structures, while also reducing reliance on funding from actual disaster declarations. PDM grants are to be awarded on a competitive basis and without reference to state allocations, quotas, or other formula-based allocation of funds.

Discussion was had on what still needs to be done and having a meeting with the commissioners to discuss the eligible and ineligible costs.

The councilmen thanked Perdue for his work on the project.

Luce Sewer

Spaetti stated that Christian Decker, the council's appointment on the LTRSD board, has decided that he did not want to be reappointed to the board. The council decided to advertise for anyone who wants to be

considered for the appointment. Wetherill will draft the advertisement. Cochenour stated that he spoke with Mayor Groves and she indicated that she was going to ask Terry Davis to take the Rockport appointment. All agreed that he would make a good appointment.

Wetherill stated that the facilitated talks have been set for June 17th and June 19th, both at 6:30. Shelton asked if the council would like to move up the council meeting to 4:00 pm. The commissioners will not be meeting that day. Kress made a motion to move the June 17th meeting from 5:00 pm to 4:00 pm. Cochenour seconded. All in favor.

Wetherill gave the council copies of the ordinances which he and Kroeger drafted. Wetherill stressed that these were just drafts and can be changed. Discussion was had on one of the ordinances. Kroeger stated that he would like to see the council make a good faith payment to show the community the council is in favor of a sewer system in Luce Township. He said he heard from members of the community that they were upset that the council was losing heart. Kroeger stated that the good faith payment would demonstrate the commitment of the council but the ordinance would also state no further commitment is being made without a Memorandum of Understanding.

John Wayman, LTRSD board member, stated that the board is still pursuing the original project. Ed Ingram, LTRSD board member, stated that the project is not any further along then it was several years ago, and there are other systems that should be looked at. Beth Packer, LTRSD board member, stated that the engineering is about 85% done for the current project. Ebert stated that if the easements are not signed then the engineering does not mean anything. Spaetti stated that the original ordinance was signed with the current project in mind and if the project is changed the council wants to have the alternative to re-negotiate the payments. Kroeger stated that he does not care what project is done, he just wants a project done. He also wants the bank to know that the council will help fund the project. Winsett stated that he voted to withhold funding until an agreement was reached.

Discussion was had on the state audit of the LTRSD.

Packer encouraged all involved to go into the facilitated meeting with an open mind. Spaetti thanked the Chamber of Commerce again for paying for the facilitator.

Kroeger asked Wetherill to explain why another ordinance needs to be passed. Wetherill stated that since the May and November payments were specified in an ordinance, it must be addressed or changed in an ordinance or the council would be in violation of its own ordinance. This may open the county up to a lawsuit. Winsett stated that it would not be in the sewer districts best interest to bite the hand that feeds it. Wetherill agreed that it probably is not likely but it is possible and he is obligated to inform the council of that possibility.

Norman Feige stated that if the facilitators do not find that the current project is the best one, then the issue is dead. Secondly, he stated that Rural Development will not continue to fund the project.

Winsett stated that he still wants to withhold funding until after the facilitation.

Kroeger suggested changing the wording of the ordinance including the good faith payment of \$150,000 and a requirement of a Memorandum of Understanding between the county and the LTRSD before any other payments would be made. Wetherill read the proposed changed ordinance as follow:

ORDINANCE 2008 - 08
AN ORDINANCE AMENDING ORDINANCE 2002-8
BY AMENDING THE TIME FOR DISBURSEMENT
OF COUNTY OPTION INCOME TAX FUNDS TO THE
LUCE TOWNSHIP REGIONAL SEWER DISTRICT

WHEREAS, the Spencer County Council, after 5 years of \$150,000 payments, is at this time, unable to determine whether the "sewer project" as proposed by the Luce Township Regional Sewer District ("LTRSD") and accepted by the Spencer County Council under County Ordinance 2002-8 is a "viable" project; and,

WHEREAS, LTRSD is in the process of entering into strategic planning sessions that may result in LTRSD opting to undertake a different project that may require the Council to reconsider the amount, terms and conditions of our long term financial commitment; and,

WHEREAS, the Spencer County Council now desires to amend Ordinance 2002-8, Section One, by ceasing the schedule of COIT disbursement previously paid to LTRSD on May 30th and November 30th of each year.

NOW THEREFORE BE IT RESOLVED BY THE SPENCER COUNTY COUNCIL AS FOLLOWS:

Section One. The Spencer County Council, in light of the uncertainty as to which sewer project in Luce Township will be developed, shall not make the May 2008 payment of \$75,000 as committed under Ordinance 2002-8, and do hereby pledge that the Council will make a good faith payment (under no obligation of Ord. 2002-8) before December 31, 2008, of \$150,000.00, and any future payments will require a new memorandum of understanding (MOU) between LTRSD and the County.

Section Two. All other sections of Ordinance 2002-8 shall remain in full force and effect.

Section Three. This ordinance shall be in full force and effect upon passage.

Dated this _____ day of _____, 2008.

Kroeger made a motion to pass Ordinance 2008-08. Ebert seconded. Kroeger, Ebert, Kress, and Spaetti voted to pass the ordinance. Cochenour and Winsett opposed. Wetherill stated that the ordinance must be voted for unanimously to be passed at the first reading. It can be re-visited at the June meeting.

Kroeger made a motion to adjourn. Ebert seconded. All in favor. The meeting was adjourned at 7:44 pm.

County Council,

_____ President	_____
_____	_____
_____	_____
Attest:	_____
_____	_____
Cindy Shelton, Auditor	
